IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO. 28422 OF 2007

Dated : December 31, 2007

Between:

M/s. Radha Madhav Automobiles,
Nagarjuna Nagar, Vijayawada,
Rep. By its Partner Sri M.V.Srinivas

Petitioner

AND

The Assistant Commissioner (CT),
LTU, No.II Division, Vijaywada and others

Respondents

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI

AND

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO. 28422 OF 2007

ORAL ORDER: **(per THE HON'BLE MRS. JUSTICE T.MEENA KUMARI)**

Heard the learned counsel for the parties and with their consent, the Writ petition is being disposed of at this stage.

The controversy is that pending an appeal, application for stay was dismissed by the Competent Authority.

We have gone through the record. We fell that the interest of justice would have been met if stay was granted pending Appeal, subject to deposit of half of the liability. Therefore, we set aside the order of the Authority and direct that half of the disputed tax liability shall be paid by the petitioner within a period of four weeks from the date of receipt of a copy of this order. For six weeks, there shall be an unconditional stay and stay shall continue till disposal of the appeal, provided the amount is deposited within the stipulated time. The deposit of amount shall be without prejudice to the rights of the petitioner in appeal. If any amount has already been paid by the petitioner, the same shall be given credit.

The writ petition is accordingly disposed of. No costs.

T.MEENA KUMARI, J.

G.ROHINI, J.

December 31, 2007

Copy in (3) days
//BO//
MAS